IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 2298 of 2007(W)

PETITIONER:

V.K. SASIDHARAN, S/O. KANNU,
AGED 62 YEARS, VADAKKEDATH VEEDU,
ELAMAKKARA P.O., COCHIN-26.

BY ADV. SRI.T.GOPALAKRISHNAN

RESPONDENTS:

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1. CORPORATION OF COCHIN,
REPRESENTED BY ITS SECRETARY, BOAT JETTY, ERNAKULAM

2. DISTRICT COLLECOR, ERNAKULAM.

3. DISTRICT MEDICAL OFFICER, ERNAKULAM.

4. THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, P.H.DIVISION, COCHIN-16.

5. THE CHIEF ENVIRONMENTAL ENGINEER,
POLLUTION CONTROL BOARD, GANDHI NAGAR, COCHIN-20.

R1 BY ADV. SMT.M.K.PUSHPALATHA, SC, COCHIN CORPN.
R2 & R3 BY GOVT.PLEADER SMT.T.B.RAMANI
R4 BY ADV.SRI.M.K.CHANDRAMOHAN DAS
SRI.C.S.MANILAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.2298 OF 2007

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DATED THIS THE 21ST FEBRUARY, 2007

J U D G M E N T

The grievance of the petitioner is that several sewage underground pipes which are presently managed by the Kerala Water Authority are overflowing through the road on account of leakage in several places and even faecal matter is spreading into the roads. It is alleged that in certain places sewage pipes are directly connected to the drainage canal which is creating foul smell and causing health hazards in public roads like the Gopalaprabhu Road, T.D.Road and the Market Road within the limits of Corporation of Cochin. Making several allegations and placing on record documents Exts.P1 to P8, the petitioner prays that directions may be issued to the respondents, particularly, the 4th respondent-Executive Engineer of the Water Authority to take steps to stop the pumping of sewage to the drainage canals and also to stop the leakage of sewage into the roads referred to in the Writ Petition.

2. I have heard the submissions of Sri.T.Gopalakrishnan, counsel for the petitioner, Sri.M.Dinesh, Standing Counsel for the Water Authority, Sri.C.S.Manilal representing Sri.M.K.Chandramohan Das, Standing Counsel for the Pollution Control Board and

Smt.M.K.Pushpalatha, counsel for the Corporation.

3. The 4th respondent-Executive Engineer of the Water Authority has filed a detailed counter affidavit wherein it is stated that on realising that the contractor who had been engaged by the Water Authority had not been doing his job properly, the Water Authority has already entrusted the work to a new contractor and it is claimed in para.8 that all defects reported by the media which are highlighted in the Writ Petition regarding sewage blocks/overflow through manholes have been rectified by December, 2006 itself. The counter affidavit answers the contention of the petitioner that drinking water pipes have been laid over the drainage canals. It is contended that only 2% of the drinking water pipes which were laid by the Cochin Corporation some 20 years back have been passing through drainage canals. Those pipes, it is claimed in para.6 of the counter affidavit, are being relaid to outside the canals stage by stage due to paucity of funds. It is reiterated in the same paragraph that the entire sewage blocks have been rectified by the new contractor and there is absolutely no possibility of the sewage mixing with drinking water.

4. A perusal of the counter affidavit and the submissions of Mr.Dinesh will show that the Water Authority is taking steps to rectify

the defects so that the grievances which are voiced in the Writ Petition will be abated and will not recur. However, considering the seriousness of the problem, the Writ Petition will stand disposed of, not only recording the averments in the counter affidavit submitted by the 4th respondent but also directing the 4th respondent to take steps regularly for stopping leakage of sewage into the roads and also to ensure that pumping of sewage to the drainage canals is stopped. Relaying of pipes which are presently passing through drainage canals shall be done in a time-bound manner and completed at the earliest. There will be a further direction that periodical maintenance of the pipes will also be undertaken by the Water Authority so that complaints like the present one will not recur.

(PIUS C. KURIAKOSE, JUDGE)

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